



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/628,142 | 07/25/2003 | Ignatius Xavier Haase | 02-10635 | 9437 |

36212 7590 08/23/2006

LAW OFFICES OF DAVID L. HOFFMAN
27023 MCBEAN PKWY
SUITE 422
VALENCIA, CA 91355

EXAMINER

BLACKWELL, JAMES H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/628,142 | HAASE, IGNATIUS XAVIER | |
| | Examiner | Art Unit | |
| | James H. Blackwell | 2176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an original application filed 07/25/2003 with a priority date of **08/02/2002**.
2. Claims 1-20 are pending. Claims 1, 7, and 13 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 13-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (U.S. Patent Application Publication No. 2002/0067380 filed 01/16/2002, published 06/06/2002), in view of Schilit et al. (hereinafter Schilit, U.S. Patent No. 6,658,623 filed 09/15/1997, issued 12/02/2003).

In regard to independent Claim 1 (and similarly independent Claim 7),
Graham discloses the limitation of *identifying multiple characteristics about text of the document* by producing a representation of a document that indicates to the user the contents of the document (Abstract). More particularly, the document(s) are highlighted to indicate concepts of interest. The highlighting may be indicated through the use of color, italics, fonts, audio, or popup windows (Pg. 2, Paragraph [0020]).

Graham also discloses the limitation of *extracting a key for correlating the multiple characteristics with multiple unique indicia* in the form of a concept indicator

bar. Depending on what choice boxes are selected will highlight those sections of the contents that pertain to that particular concept (Pg. 4, Paragraph [0041]; Fig. 5).

Graham also discloses, to some extent, the limitation of *placing at least some of the unique indicia adjacent at least some lines of text in the document, wherein the unique indicia placed adjacent each line of text correspond to the characteristic or characteristics in the line of text on the basis of the key* in that the location of the concept indicator bar places it more or less proximate to the content of the documents (e.g., Fig. 4). However, perhaps Schilit depicts this limitation more closely in that in Fig. 2 is depicted a margin icon that coincides with a particular highlighting of text (highlighting in this instance is an underline). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Graham and Schilit as both inventions relate to the highlighting of portions of a document. Adding the teaching of Schilit provides the benefit of an indicator along side and pertaining to a particular highlight.

In regard to dependent Claim 2 (and similarly dependent Claim 9), Graham discloses the limitation that *in the steps of creating and placing the unique indicia comprise color-coded segments* (Pg. 2, Paragraph [0020]; concepts may be highlighted, and therefore related to various colors, italics, fonts, etc.; Pg. 4, Paragraph [0042] discusses multiple colors for highlighting different concepts).

In regard to dependent Claim 3 (and similarly dependent Claims 8, 14, and 19-20), Graham discloses the limitation that *the document is stored on a digital medium, and in the steps of creating and placing, the key is stored on a digital medium, and the*

unique indicia are stored in a digital medium (Fig. 3; invention executes on system containing a fixed disk and/or memory for storage purposes).

In regard to dependent Claim 4 (and similarly dependent Claims 10 and 15), Graham discloses the limitation that *in the steps of creating and placing, the color-encoded segments comprise shades of gray* (Pg. 2, Paragraph [0020]; concepts may be highlighted, and therefore related to various colors (colors to include shades of gray) Pg. 4, Paragraph [0042] discusses multiple colors for highlighting different concepts).

In regard to dependent Claim 5, Graham fails to explicitly disclose the limitation of *selectively changing the key by changing at least one of the color-coding and the characteristics*. However, Graham does provide the mechanism for initially building a concept indicator bar (Pg. 4, Paragraph [0041]; Fig. 5) making it obvious to one of ordinary skill in the art at the time of invention to assume that if a user could initially have constructed the key, that one could have also modified it, providing the benefit of keeping the document(s) current.

In regard to dependent Claim 6, refer to the rejection of Claim 1 (and similarly Claim 7).

In regard to dependent Claim 11, Graham discloses the limitation that *the display comprises a computer monitor* (Figs. 2, 3).

In regard to independent Claim 13, Claim 13 reflects the method of encoding a document as claimed in Claim 1 (and similarly Claim 7), and is rejected along the same rationale.

In regard to dependent Claim 17, Claim 17 reflects the method of encoding a document as claimed in Claims 1 (and similarly Claim 7) and Claim 3, and is rejected along the same rationale.

In regard to dependent Claim 18, Graham discloses the limitation of a *controller for enabling a user to select a plurality of the multiple characteristics, and for changing the display based on the selection to show the unique indicia, which correspond to the selected multiple characteristics* (Pg. 3, Paragraph [0039]; Pg. 4, Paragraph [0041]).

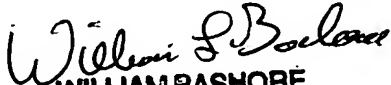
5. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, in view of Schilit, and in further view of Hernandez et al. (hereinafter Hernandez, U.S. Patent No. 4,723,209 filed 08/30/1994, issued 02/02/1988).

In regard to dependent Claim 12 (and similarly dependent Claim 16), Graham fails to explicitly disclose the limitation that *the unique indicia are displayed in columns formed in the margin of the document, and at least some lines have at least two characteristics and a corresponding number of unique indicia*. However, Hernandez discloses the limitation of margin icons, which indicate the type of data within an object set. The icons illustrated are H for heading, L for line, for paragraph, G for graphics, and T for table along the left-hand margin adjacent to the text (Col. 9, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Graham and Hernandez as both inventions relate to indicating portions of text with corresponding indicia. Adding the teaching of Hernandez provides the benefit of having the indicia in close proximity with their related text.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
08/15/2006


WILLIAM BASHORE
PRIMARY EXAMINER